

1 IN THE DRAWINGS

2 Enclosed with this response is a replacement drawing sheet for Figure 3. The enclosed
3 replacement sheet differs from the original Figure 3 in that the box labeled 64 is drawn formally
4 in the replacement sheet whereas the box was informally drawn in the original Figure 3.

1 **REMARKS**

2 The Applicants respectfully request consideration and allowance of new claims 25-42 in
3 view of the above amendments and the following arguments.
4

5 **I. THE AMENDMENTS**

6 The remaining original claims are canceled above and new claims 25-42 are added. New
7 independent claims 25, 34, and 41 are each directed to a system in which a player is detected as
8 he or she moves through a gaming facility, and in which game presentations are changed at a
9 gaming machine in response to the player's movement in the gaming facility. Support for the
10 limitations set out in claims 25, 34, and 41 is found particularly at page 27, lines 3-14 of the
11 specification. The various player position detecting arrangements disclosed in dependent claims
12 26-30 and 35-37 are disclosed in the present application particularly from page 26, line 11 to
13 page 28, line 21. New independent claims 32, 39, and 42, and dependent claims 31, 33, 38, 40
14 are each directed to the variation in which the gaming machine is located in a hotel room and the
15 player detection is accomplished by information associated with the hotel room. Support for this
16 variation of the invention is disclosed particularly at page 31, lines 1-10 of the specification.
17

18 **II. THE CLAIMS ARE NOT ANTICIPATED BY EITHER WAIN OR ITKIS**

19 The Final Office Action rejected claims 1, 2, 7-12, 14, 15, and 19-23 under 35 U.S.C.
20 102(b) as being anticipated by U.S. Patent No. 4,335,809 to Wain (the "Wain patent" or "Wain"),
21 and rejected claims 1, 2, 4 and 7-24 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent

1 No. 4,856,787 to Itkis (the "Itkis patent" or "Itkis"). The Applicants submit that the new claims
2 are not anticipated by either Wain or Itkis.

3 With regard to independent claims 25, 34, and 41, neither Wain nor Itkis teach any
4 arrangement for detecting a player traversing a gaming facility and producing system
5 configuration commands based on player preference information that has been retrieved for the
6 detected player. Also, nothing in Wain or Itkis teaches any arrangement for changing to a
7 preferred presentation for a player prior to the arrival of the player at the gaming machine. With
8 regard to independent claims 32, 39, and 42, neither Wain nor Itkis teach placing a gaming
9 machine in a hotel room or switching game presentations at the gaming machine based on room
10 assignment or room check-in information.

11
12 III. THE CLAIMS ARE NOT OBVIOUS IN VIEW OF THE PRIOR ART OF RECORD IN
13 THE CASE

14 The Final Office Action rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being
15 unpatentable over the Itkis patent in view of U.S. Patent No. 5,923,252 to Sizer et al. (the "Sizer
16 patent" or "Sizer"). The Applicants respectfully submit that the new claims are not obvious in
17 view of Itkis and Sizer.

18 With regard to independent claims 25, 34, and 41, neither Itkis nor Sizer teach or suggest
19 any arrangement for detecting a player traversing a gaming facility and producing system
20 configuration commands to effect a change in game presentations based on player preference
21 information that has been retrieved for the detected player. Also, nothing in Itkis or Sizer teaches
22 or suggests any arrangement for changing to a preferred presentation for a player prior to the

1 arrival of the player at the gaming machine. With regard to independent claims 32, 39, and 42,
2 neither Itkis nor Sizer teach or suggest placing a gaming machine in a hotel room or switching
3 game presentations at the gaming machine based on room assignment or room check-in
4 information.

5 It is noted that the Final Office Action refers to the Sizer patent as teaching "a game
6 detection system wherein information carried by a game player is remotely detected." However,
7 this is not an accurate characterization of the Sizer patent. The Sizer patent is not directed to a
8 game detection system or any other system associated with games or gaming, but rather to a
9 marketing system for delivering audio and/or visual marketing messages. The Applicants submit
10 that there is no teaching or suggestion in the Sizer patent or elsewhere in the prior art to use the
11 Sizer marketing system in a gaming environment. Even if the Sizer patent was properly
12 combinable with Itkis or any other gaming system, the Sizer patent would not teach or suggest
13 changing game presentations at a gaming machine based on player preference information that
14 has been retrieved due to the detection of the given player.

15 For all of these reasons, the Applicants believe that claims 25-42 are not obvious in view
16 of the Itkis and Sizer patents and are in condition for allowance.

1 IV. THE CLAIMS ARE NOT ANTICIPATED OR OBVIOUS IN VIEW OF THE
2 ADDITIONAL PRIOR ART CITED IN THE ACCOMPANYING IDS
3

4 The Applicants have conducted additional searching for U.S. patent references that may
5 be relevant to the above-identified application. The references located in this additional
6 searching are listed in the accompanying IDS. The Applicants believe that new claims 25-42 are
7 allowable over all of the references of record in this case, including the new references cited in
8 the accompanying IDS.
9

1 CONCLUSION

2 For all of the above reasons the Applicants respectfully request consideration and
3 allowance of claims 25-42.

4 If any issue remains as to the allowability of these claims, or if a conference might
5 expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney
6 prior to issuing a further action in this case.

7
8 Respectfully submitted,

9 The Culbertson Group, P.C.

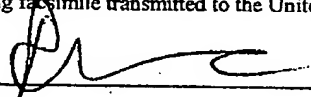
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11 Dated: 5 Jan 2006

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20 CERTIFICATE OF FACSIMILE

21 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax
22 No. 571-273-8300 on January 5, 2006.

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ANNOTATED SHEET

Title: DYNAMICALLY CONFIGURABLE GAMING SYSTEM

Inventors: Clifton Lind et al.

Attorney Docket No.: 988.1041

Application Serial No. 10/643,189

3/6

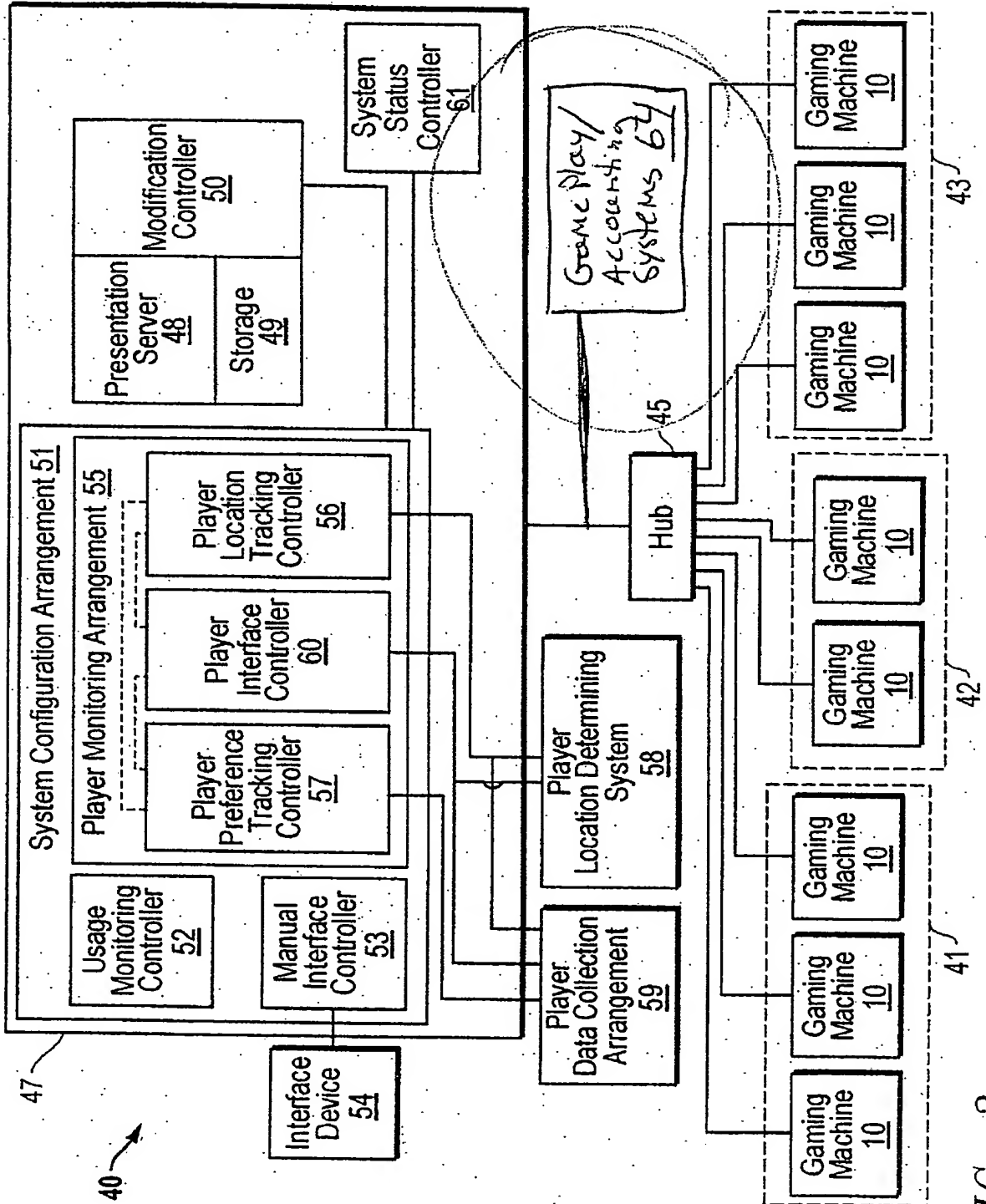


FIG. 3